

ORDINANCE NO. 11 SERIES 2004

AN ORDINANCE VACATING THAT PORTION OF RAILROAD AVENUE AND PORTIONS OF 14TH STREET AND BOULEVARD STREET LYING ADJACENT TO BLOCK 15, RIO GRANDE ADDITION TO THE CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, AND RESERVING AN UNDERGROUND UTILITY EASEMENT THEREIN.

WHEREAS, the applicant, Gunnison-Crested Butte Regional Airport, submitted an application for vacating public property dated May 22, 2003, requesting the City of Gunnison to vacate that portion of Railroad Avenue and portions of 14th Street and Boulevard Street lying adjacent to Block 15, Rio Grande Addition to the City of Gunnison; and

WHEREAS, the subject streets are to become a portion of the Gunnison-Crested Butte Regional Airport; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on July 23, 2003, and has made a recommendation to the City Council that the City Council proceed with the requested street vacations, while reserving an easement therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

- Section 1. <u>Findings of Fact.</u> Based upon the application for street vacations, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning Commission of the City of Gunnison, the City Council hereby finds as follows:
 - a. That the applicant, Gunnison County, through the Gunnison- Crested Butte Regional Airport, is the owner of all the property immediately adjacent to those portions of the streets requested to be vacated.
 - b. That B&L Holdings, LLC, by Kenneth R. Bergan, appeared at the public hearing. While supporting the requested street vacations, he requested that a cul-de-sac allowing the turning of commercial vehicles be established at the southern terminus of Boulevard Street.
 - c. That if such cul-de-sac is established, no properties, other than those of the applicant, would be denied access by the proposed street vacations.
 - d. That the City's Public Works Department supports the requested vacation, upon the condition that a cul-de-sac be established at the southern terminus of Boulevard Street, and that a utility easement be reserved in all portions of the streets requested to be vacated.
 - e. That no additional public comment was received at the public hearing in opposition to the requested street vacations.
 - f. That the proposed vacations do not conflict with the 2000 City of Gunnison Transportation Master Plan.
 - g. That the County of Gunnison has submitted to the City a dedication of the necessary right-of way to establish the cul-de-sac at the southern terminus of Boulevard Street, and an intergovernmental agreement which will preserve public access across Railroad Avenue until such time as the cul-de-sac is constructed.



Ordinance No. 11 Series 2004 Page Two

Section 2. Acceptance of Cul-de-Sac and Approval of Intergovernmental Agreement. The dedication of the easement made by the County of Gunnison for the cul-de-sac at the southern terminus of Boulevard Street is hereby approved and accepted by the City Council of the City of Gunnison. The intergovernmental agreement executed by the County of Gunnison providing for the continued use of Railroad Avenue by the public until such time as the cul-de-sac at the southern terminus of Boulevard Street is constructed is hereby approved, and the Mayor is authorized to execute said intergovernmental agreement on behalf of the City of Gunnison.

Section 3. <u>Vacation</u>. The streets which are vacated by this ordinance are described as follows: All of Railroad Avenue lying adjacent to Block 15, and all of 14th Street lying east of Block 15 and south of the southern line of Rio Grande Avenue, and all of Boulevard Street from a point beginning at the southwest corner of Lot 8, Block 15, then west along the southern line of Lot 8 extended westerly to the west line of Boulevard, and then south along the west line of Boulevard extended to the south line of Railroad Avenue, and then north along the east line of Boulevard extended, and then north along the east line of Boulevard extended to the southwest corner of Lot 8, Block 15, all in Rio Grande Addition to the City of Gunnison, County of Gunnison, State of Colorado.

Section 4. <u>Reservation of Easement</u>. There is hereby reserved from the above vacations an easement over all portions of the property vacated herein to the City of Gunnison for the purpose of installation and maintenance of all underground utilities.

Section 5. <u>Title</u>. The title to such vacated streets shall vest in accordance with the provisions of C.R.S. 43-2-302.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 14th day of September, 2004, on first reading, and introduced, read, passed and adopted on second and final reading this 28th day of September, 2004.

ATTEST:

St. Ferguse Mayor

Olark Clerk

CERTIFICATION

STATE OF COLORADO

SS

COUNTY OF GUNNISON

I, Gail A. Davidson, City Clerk of the City of Gunnison, Colorado, do hereby certify that the above is a true and correct copy of Ordinance No.11, Series 2004, dated September 28, 2004, and the original remains on file and record in the City Clerk's Office and Records of the City

and and seal of said City of Gunnison, Colorado, this 28th day of

September,

Sail A. Davidson

Gail A. Davidson